

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DAYRON JOHNSON,)
)
Defendant.)

Case No. : 05-00029-01/06-CR-W-HRS

AFFIDAVIT

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

COMES NOW SUSAN L. DILL, and after being duly sworn upon her oath,
states:


1. When I prepared copies of the documents to provide to Mr. Johnson, I had further opportunity to review the case file. As a result of that review, I became more aware of certain documents which are relevant and material to the claims made by Mr. Johnson: a letter and notations in my file.

2. One of the documents provided to Mr. Johnson in response to this Court's order was a copy of a letter I sent him on June 27, 2006, in which I confirmed a statement he previously made to me that Mr. Johnson did not desire a plea agreement and desired instead to proceed to trial. That statement is further corroborated by a notation in my file

that I informed Assistant U.S. Attorney Amy Marcus about Mr. Johnson's desire to proceed to trial in a telephone conversation or message on the same date.

2. My notes also indicate that on October 26, 2006, I forwarded a copy of the Section 851 information to Mr. Johnson. The notation does not specifically state that I had a subsequent conversation explaining the consequences of the information. However, it is my customary practice to explain the consequences of such sentencing enhancements.

FURTHER AFFIANT SAYETH NAUGHT.



Susan L. Dill Mo Bar #33279
818 Grand Blvd., Suite 550
Kansas City, MO 641086
(816) 221-9199
FAX 221-9198

Subscribed and sworn to before me this 23rd day of April, 2010.

My Commission Expires:



BRENT L. WINTERBERG
My Commission Expires
May 26, 2011
Platte County
Commission #07424057



Notary Public

June 27, 2006

Mr. Dayron Johnson
St. Clair County Detention Center
P.O. Box 546
Osceola, MO 64776

RE: USA v. Johnson

Dear Dayron:

Your trial has been continued to October 2. Carlos Brandon's attorney must undergo surgery at the Mayo Clinic and will not be available for trial until then.

I would like to confirm our discussion of last week in which you told me you had made up your mind that you would not enter a guilty plea and, instead, want to take your case to trial. I advised that by entering a guilty plea, you would receive an adjustment for acceptance of responsibility and would receive a lesser sentence. You reiterated that you wanted to go to trial. If this is incorrect or if you reconsider, please let me know immediately.

Please let me know if there are any witnesses you would like me to interview or anything else you believe would be helpful in preparing for your trial. If you would like to meet to discuss anything, just contact my office and I will make arrangements for you to be transported to Kansas City.

Let me know if you have any questions.

Very truly yours,

Susan L. Dill

SLD/rr

Gravela - why not deported.
out now. B. saw her.

Ask for drug treatment - 500 hour.

Paulin Avila

\$600 =
cash

C
130

244 1543

913 254 0704

518 9245

Johnson

RF Amy Marcus vs Dayron.
Told her no plea.

Rec. notice of pretrial conf.

Wed
June 23

Sanders, James

Appear B. No \$. Left.

Wed
10/5

Raymore ^{step} false

Johnson

Meet w/ Dayron before hearing
Meet w/ co counsel.

15
m.

Pre trial conference.

Thur
10/26

Johnson

Rec/ret. call from Wataya
re testimony. LMTRB

Review ^{trial} documents filed by
Gov't. + co-Δ counsel.

Review PR memo

309 7637

TCT potential witness, Ramonda Hart
LMTRB

Fwd W list + 851 notice to Dayron.

TCT Dayron re witnesses / paychecks.

TCT Shannon McCarthy - PO - 889 7623